

## REMARKS

In accordance with the forgoing, claims 6, 8, 9, 11, 31, 32 and 52-57 are cancelled, without prejudice or disclaimer of the subject matter therein, and claims 1-5, 7, 14, 18, 29, 43-46 and 51 are amended. Claims 37-42 have been withdrawn from further consideration by the Examiner and are marked as such. Applicant respectfully requests entry and examination of new claim 61. No new matter has been added as a result of the amendments. The following remarks are respectfully submitted.

### I. Rejections under 35 USC §102

Claims 1-9, 11, 24-29, 36, 43 and 51 stand rejected under 35 USC § 102(b) as being anticipated by Parodi USPN 5,911,733. Applicant has canceled claims 6, 8, 9 and 11, rendering the rejection of these claims moot. Applicant traverses the rejection of claims 1-5, 7, 24-29, 36, 43 and 51 based on the following arguments.

Parodi neither teaches nor suggests every element and limitation of claims 1-5, 7, 24-29 and 36, 43 and 51. Because Parodi teaches of an expander or stent, which is **expanded** against an internal surface of a vessel for the purpose of holding a vessel open (reference, for example, the Abstract and column 1, lines 30-48 of Parodi), Parodi neither teaches nor suggests an embodiment which includes projections extending from **a fixed portion** of an outer surface, as is defined in independent claims 1, 7, 29 and 51 of the present invention. Furthermore, Parodi neither teaches nor suggests an embodiment which includes **a sheath and a conductor** extending within the sheath, as is defined by independent claim 1 of the present invention. Nor does Parodi describe any embodiment that includes a sheath and **a collar**, as is defined by independent claim 7 of the present invention. Nor does Parodi describe any embodiment that includes **projections of one material embedded in a separate material** of a retaining segment, as is defined by independent claim 29. Nor does Parodi describe any embodiment in which **one or more of a plurality of projections**

**include micro-features** for interfacing with the vessel wall, as is defined by independent claim 51 of the present invention.

In light of the argument presented above Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-5, 7, 24-29, 36, 43 and 51.

Claims 1-5, 19-23 stand rejected under 35 USC § 102(e) as being anticipated by Reydel USPN 6,767,339. Applicant traverses the rejection of claims 1-5 and 19-23, asserting that Reydel neither teaches nor suggests every element and limitation of these claims.

Independent claim 1, of the present application, defines an elongate body of a medical device including, *inter alia*, a sheath, the sheath including a retaining segment forming a fixed portion of an outer surface of the sheath, and the retaining segment including a plurality of projections extending from the portion and **lying approximately parallel with the portion, when a length, along which the retaining segment extends, is approximately straight**. The figure of Reydel shows flaps 108, 118, formed on the outer surface of the device, which are clearly not lying approximately parallel with the portion of the device from which they extend when that portion is approximately straight. Furthermore, with reference to column 3, line 66, through column 4, line 1, Reydel teaches that “each of the secondary flaps 118 are moderately curved outwardly so as to prevent the secondary flaps 118 from adhering to the outer surface 104 of the catheter”.

In light of the argument presented above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-5 and 19-23.

## II. Rejections under 35 USC §103

Claims 12-25, 30-35, 44-50, 52-57 stand rejected under 35 USC § 103(a) as being unpatentable over Parodi USPN 5,911,733. Applicant has canceled claims 31, 32 and 52-57, without prejudice or disclaimer of the subject matter

therein, rendering the rejection of these claims moot. Applicant traverses the rejection of claims 12-25, 30, 33-35 and 44-50, based on the arguments presented above, supporting the traversal of the §102(b) rejection for independent claims 1, 7 and 29 (claims 12-25 and 30 being dependent upon claim 1, claims 33-35 being dependent upon claim 7, and claims 44-50 being dependent upon claim 29), and respectfully requests that the Examiner withdraw the rejection of these claims.

### **III. Conclusion**

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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Date

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